



CITY OF DURHAM | NORTH CAROLINA

Date: July 12, 2012

To: Thomas J. Bonfield, City Manager

Through: Theodore L. Voorhees, Deputy City Manager
Donald F. Greeley, Director, Water Management *now for DFG*

From: Jerry F. Morrone, Engineering Supervisor, Water Management *JFM*

Subject: Sanitary Sewer Connection for 2003 NC Hwy 54/Donald M. Bender

This memo summarizes recent Department of Water Management (DWM) activities involving a sewer connection at 2003 NC Hwy 54. At this address is an office building owned by Donald M. Bender and leased to a dentist and an oral surgeon.

Mr. Bender has a small lift station pumping sewage to a City manhole approximately 500 feet away. His lift station is failing to pump continuously. Mr. Bender is asking that the City acquire a private sewer system behind his building and allow him to connect to it via a gravity line that would be roughly 50 feet long.

Recent activities are described in Table 1 and begin with a June 21, 2012 letter from DWM Director Don Greeley to Mr. Bender (attached) and continue through July 12, 2012. Summarily, DWM has done the following to assist Mr. Bender:

- Met with Mr. Bender on-site
- Performed a dye study to confirm his discharge location
- Offered the expertise of a DWM lift station crew to assess his lift station
- Evaluated the feasibility of a gravity system to a City manhole (appears feasible)
- Performed an engineering assessment of his pump and force main (recommend changes)
- Contacted NC Department of Environment & Natural Resources at his request
- Attempted to reach other various contacts at his request, including the private system's owner
- Answered various questions by Mr. Bender, or directed him to City staff for assistance.

It should be mentioned that because of an apparent overflow of his property's sewage into a nearby storm system, DWM (at my direction) informed Stormwater Services. Stormwater Services has since met with and held discussions with Mr. Bender.

Mr. Bender has expressed at every opportunity that the only acceptable resolution to him is that the City acquire the private system (owned by Marlott International) and allow him to connect his system. The private system is approximately 785 feet long and consists of four manholes. It crosses two streams with aerial crossings (High Priority Lines).

If the City were to acquire the system as he requests, we would incur the following costs:

Initial inspection, survey, and sewer easement plat (if accepted)	\$6,700.00
Annual cleaning, inspections, and outfall clearing	\$475.00 per year
Eventually line pipe interior with a cured-in-place resin (at 50-yr age)	\$23,500.00

There are no advantages to taking over this private system and the department does not recommend taking over the system. This is consistent with the City's approach on this matter over the last ten years.

Table 1 -- Chronology and Description of DWM Activities re: 2003 NC Hwy 54

Date	Activity	Activity Description
June 21, 2012	DG letter to DB (copy attached)	DG describes DWM understanding of situation; including <ul style="list-style-type: none"> • site history • Mr. Bender's 10-year effort • options presented by City in 2005 to convert his lift station to preferred gravity system (both of which cost and effort are borne by DB). DG reiterates the two 2005 options and suggests a third – make improvements to existing pumped system.
June 22, 2012	DG req JM meet with DB	DG requests JM to meet with DB and to conduct a dye study to confirm station's tie-in point.
June 25, 2012	Site visit	Ahead of a planned meeting with DB on June 27, CH recons site. DB is present. CH runs dye study, discusses DB's problem.
June 27, 2012	Site visit	JM, CH meet with DB and discuss situation. DB asserts COD should take ownership of a nearby private system and connect to his property. DB strongly suggests DWM speak with various people he has contacted that, in his opinion, support his position. Throughout meeting, DB uses foul language and expresses displeasure with COD staff. Party meets with Residents Inn manager (Beth Eaves). DB sternly requests contact information from Ms. Eaves and her staff of the private system's property manager. DB tells Ms. Eaves he should let the sewage run onto 'her' private property.
June 27, 2012	JM email to DB (copy attached)	As a follow-up to that day's site visit, JM requests pump information from DB, offers DWM lift station crew to assess his system, mentions COD has no objection to DB making a private connection (need agreement).
July 2, 2012	Eval existing lift station, potential gravity.	DWM performs engineering evaluation of existing pumping system and potential gravity system from office to COD collection system.
July 2, 2012	DB voicemail to CH	DB describes a dark green patch of grass extending from his lift station to the adjacent property's storm basin.
July 2, 2012	DWM contacts Stormwater	JM requests DWM Inspector eval potential sewage overflow. Upon assessment, JM has CH notify COD Stormwater Services.
July 3 – July 6, 2012	Misc emails and vms from DB	DB expresses his displeasure with JM's notification of Stormwater Services.
July 6, 2012	JM email to DB (copy attached)	JM follows up on DB requests from June 27 meeting that JM: <ul style="list-style-type: none"> • Determine where his tax dollars were spent • Confirm his stated conversations with NCDENR's Division of Water Quality • Confirm his stated conversations with Town of Garner • Contact private owner about connecting to private system. JM recommends DB change pump. JM acknowledges notifying Stormwater Svcs, and informs DB of potential future ramifications. JM informs DB that DWM will assist further if DB opts to alter his system and follows appropriate procedures.
July 7 – July 12, 2012	Emails bw DB and JM (copies attached)	DB requests information and documents regarding his property's development history. JM directs him to DPW's Rob Joyner. DB also asks JM what JM would do. JM replies via email July 7.

DG – Don Greeley

DB – Donald Bender

JM – Jerry Morrone

CH – Chris Hurt, DWM Engineering Tech

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June 21, 2012

Mr. Donald Bender
803 Mt. Vernon Church Rd.
Raleigh, NC 27614

Re: Property at 2003 NC Hwy 54
PIN 0738-03-03-5609

Dear Mr. Bender:

As a follow-up to several contacts you've had with City staff over the last several months, I am writing to capture the essence of the issues and summarize the City's position concerning the sewer service to your property. As I understand it, the sewerage from your building drains to a small lift station in the rear of your property. The force main from the lift station discharges to a public manhole, on the south side of NC 54, southwest of the parcel. The lift station and forcemain are owned by you. Attached is an exhibit showing the approximate location of the station, force main and public manhole. It is my understanding the property was originally connected in 1986 when the public sewer lines were owned and operated by Durham County. At the time your building was planned the decision was reached by the developer not to extend public sewer along NC 54 to your property. Had this been done gravity flow from the building to the public sewer could have been constructed and the need for the lift station and force main eliminated.

Over a period of time, you have had recurring problems with plugging and overflows from this system. It is my understanding from discussions with Public Works Department that you have had numerous discussions with them over the past 10 years trying to resolve this issue. It is my understanding you have made several attempts over this time period to pursue a gravity connection to a sewer main, located on the north side of Residence Inn Blvd. This was investigated, and a determination made that this is a private sewer, owned by the Marriott Corporation. In 2005, the Public Works Director (with discussion with the City Manager's Office) provided you with two solutions:

1. Extend the sewer along the south side of NC 54 to a point in front of your property. A gravity service line could then be installed across NC 54 to your property line. The sewer system for the property could then be hooked up to the service line. All costs associated with this construction would be borne by you.
2. Enter into a private agreement with the Marriott to connect your line into their private system. A written agreement would need to be drawn up between you and the hotel, to include a recorded plat showing the private easement and a private 6 inch sewer lateral.

It is my understanding you have not been successful in this arrangement. More recently, you requested that the City act on your behalf to take over ownership of this private system. As has been relayed to you previously the City does not have an interest in pursuing this option. The City stance remains unchanged on this; it is not in our financial or operational interest to

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take over ownership of these lines or to take over the ownership of the private streets associated with this sewer system.

In April of 2011, an engineering consultant hired by you contacted the Public Works Department to again look into this matter. The same options as previously discussed were relayed to him. No further discussion occurred.

As noted above, the closest public sewer is on the south side of NC 54. However, the existing manhole and pipeline do not extend far enough to actually be along your road frontage. It has been a long-standing City policy, and common practice by many municipalities, that any property owner which desires a connection to public sewer, must undertake all the necessary steps for an extension, to a point within their road frontage. In your case, we estimate the extension would be approximately 150' and terminate with a new manhole. We believe your facility is at such an elevation to flow by gravity to this described extension. However, this would need to be verified. All of the existing utilities within the NC 54 corridor need to be explored to see if there are any conflicts that would prevent gravity flow.

At this point your options from the City's point of view are:

1. Extend the public sewer along the south side of NC 54 to where you can connect by gravity (assuming this is possible as noted above.)
2. Pursue the agree with the Marriott (or current owner)
3. Make improvements to your system to correct the issues you are having.

If I can be of any further assistance or if you have any additional questions please contact me at your convenience.

Sincerely,


Donald F. Greeley, PE
Director

CC: Theodore L. Voorhees, Deputy City Manager

There are a number of ways to save water, and they all start with you.



The closest sewer is the MH #11462 – approx. 185 ft from the property line. The MH 02909
Is a private system and not part of the City's maintenance.